

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Alaska Integrated Media, Inc. |) | File No.: EB-FIELDWR-15-00018606 |
| |) | |
| Licensee of FM Broadcast Station KZND-FM |) | NOV No.: V201532780005 |
| Houston, Alaska |) | |

NOTICE OF VIOLATION

Released: March 13, 2015

By the Resident Agent, Anchorage Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Alaska Integrated Media, Inc., (AIM), licensee of FM broadcast radio station KZND-FM, with Houston, Alaska as its community of license. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On March 4, 2015 and March 5, 2015, in response to a complaint of an unauthorized FM broadcast translator operating in Eagle River, Alaska on 93.3 MHz, an agent from the Enforcement Bureau's Anchorage Office, using direction finding and signal strength techniques, located the signal on 93.3 MHz, as well as a signal on 96.1 MHz, to the KZND-FM transmitter. The agent observed the following violations:

- a. 47 C.F.R. § 73.317(d): "Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least $43 + 10 \text{Log}_{10}$ (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation." At the time of inspection, the agent noted that KZND-FM operations on 94.7 MHz had spurious emissions on 93.3 MHz and 96.1 MHz at levels approximately -50 dB and -44 dB, respectively, below the fundamental frequency that were not attenuated as required.
- b. 47 C.F.R. § 73.1350(a): "Each licensee is responsible for maintaining and operating its broadcast station in a manner ... in accordance with the terms of the station authorization." The most recent license engineering data for KZND-FM specifies that its authorized antenna radiation center above ground level (RCAGL) is 20 meters. On-scene observations revealed that the station's current antenna RCAGL is approximately 36 meters.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 308(b).

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actions taken. Therefore, AIM must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct AIM to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of AIM with personal knowledge of the representations provided in its response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Anchorage Office
P.O. Box 231949
Anchorage, AK 99523-1949

6. This Notice shall be sent to Alaska Integrated Media, Inc., at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David Charlton
Resident Agent
Anchorage Office
Western Region
Enforcement Bureau

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).